

the land. These will be merely acts of usurpation, and will deserve to be treated as such. Hence we perceive that the clause which declares the supremacy of the laws of the Union, like the one we have just before considered, only declares a truth which flows immediately and necessarily from the institution of a Federal Government. It will not I presume have escaped observation that it *expressly* confines this supremacy to laws made *pursuant to the Constitution*; which I mention merely as an instance of caution in the Convention, since that limitation would have been to be understood, though it had not been expressed."

In the New York Convention to ratify the Constitution, Hamilton said: "The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress have a full conviction of this necessity they must, even upon principles purely national, have as firm an attachment to the one as to the other. This conviction can never leave them unless they *become madmen*. While the Constitution continues to be read, and its principles known, the States must, by every *rational man*, be considered as essential component parts of the Union; and therefore the idea of sacrificing the powers to the latter is totally inadmissible." * * "When Congress shall meditate any infringement of the State Constitutions, the great body of the people will naturally take part with their domestic representatives. Can the General Government withstand such a united opposition? Will the people suffer themselves to be stripped of their privileges? Will they suffer their legislatures to be reduced to a shadow and a name? The idea is shocking to *common sense*."

A more elaborate statement of the same view will be found in 2 vol. Ham. Works, 459 to 462, where he says:

"With regard to the jurisdiction of the two governments, I shall certainly admit that the Constitution ought not to be so formed as to prevent the States providing for their own existence; and I maintain that it is so formed that their power of providing for themselves is sufficiently established. This is conceded by one gentleman, and in the next breath the concession is retracted. He says Congress have but one exclusive right in taxation, that of duties on imports. Certainly then, their other powers are concurrent. But to take off the force of this obvious conclusion, he immediately says, that if the laws of the United States are supreme, those of the States must

be subordinate, because there cannot be *two supremes*. This is a *curious sophistry*. That *two supreme powers cannot act together is false*. They are inconsistent only when aimed at each other or at one individual object. The laws of the United States are supreme as to all their proper constitutional objects. The laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing, or they may operate on different parts of the same common object with perfect harmony." "I wish the committee to remember that the Constitution under consideration is framed upon truly republican principles, and that as it is expressly designed to provide for the common protection and the general welfare of the United States, it must be utterly repugnant to this Constitution to subvert the State Governments or oppress the people."

Jefferson in his letter of 1811, (5 vol. Jeff. Works, 570,) says:

"But the true barriers of our liberty in this country are our State governments: and the *wisest conservative power ever contrived by man*, is that of which our revolution and present government found us possessed. Seventeen distinct States amalgamated into one, as to their foreign concerns, but single and independent as to their internal administration, regularly organized, with a Legislature and Governor, resting in the choice of the people, and enlightened by a free press, can never be so fascinated by the arts of one man as to submit voluntarily to his usurpation."

Mr. Madison, in the 39th No. of the Federalist, also presents the true theory of the Constitution in the most elaborate and masterly manner, utterly repudiating the idea that the government which it formed was a vast, consolidated and centralized power, in which the States should have only a nominal existence.

The gentleman who spoke on Saturday, read from Patrick Henry's speeches in the debates of the Virginia Convention. Let me ask, if in so citing him, he was citing Patrick Henry in support or in derision of the views he presented. The gentleman did not read enough of what Patrick Henry said. Let me read it:

"You are not to inquire how your trade may be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government." * *

"I am not well versed in history, but I will submit to your recollection, whether liberty has been destroyed most often by the licentiousness of the people, or by the tyranny of rulers? I imagine, sir, you will find the balance on the side of tyranny. Happy will you be if you miss the fate of those nations, who, omitting to resist the oppressors, or negligently suffering their liberty to be wrested from them, have groaned under intolerable